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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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R. WAYNE KLEIN, *as Receiver*,  
Plaintiff,

v.

LAWRENCE LLOYD,  
Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING WITHOUT  
PREJUDICE *EX PARTE* MOTION FOR  
LEAVE TO SERVE BY ALTERNATIVE  
MEANS (ECF No. 7)**

Case No. 2:13-cv-552- EJF

Magistrate Judge Evelyn J. Furse

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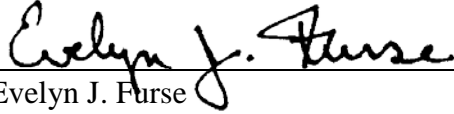
Receiver R. Wayne Klein filed this Motion seeking this Court's leave to serve the Defendant by e-mail or publication and an extension of time to serve Defendant.<sup>1</sup> (*See* ECF No. 7). The Motion states that a process server made several attempts to serve Defendant at two different addresses. (*Id.* at 3.) The Motion proposes alternative service by publication in the *Salt Lake Tribune*. (*Id.* at 6.) But where service is to be made by publication Utah's alternative service rules state that the newspaper selected "shall be a newspaper of general circulation in the county where such publication is required to be made." Utah R. Civ. P. 4(d)(4)(C). Because the Motion does not identify the county in which service is to be made and does not set forth facts to show the *Salt Lake Tribune* is a newspaper of general circulation in that county, the Court DENIES the Motion without prejudice. The Receiver may re-file the Motion with this information. The new Motion should also provide the specific addresses referenced in the Motion.

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<sup>1</sup> The Plaintiff previously moved this Court for an extension of time to serve Defendant of 120 days. (ECF No. 4.) The Court granted a reduced extension of 60 days. (ECF No. 5.) Plaintiff therefore should have filed this Motion by December 2013. However, because of Plaintiff's difficulties in serving Defendant, the Court will consider the Motion.

Dated this 11th day of February, 2014.

BY THE COURT:

  
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Evelyn J. Furse  
United States Magistrate Judge